

CAUSE NO. 03-18-00153-CV

IN THE COURT OF APPEALS FOR THE THIRD DISTRICT
OF TEXAS AT AUSTIN

FILED IN
3rd COURT OF APPEALS
AUSTIN, TEXAS
5/31/2018 3:07:28 PM
JEFFREY D. KYLE
Clerk

TEXAS DEPARTMENT OF TRANSPORTATION,
Appellant,

V.

ALBERT LARA, JR.
Appellee.

**UNOPPOSED MOTION OF TEXAS DEPARTMENT OF
TRANSPORTATION FOR LEAVE TO FILE APPELLANT'S AMENDED
REPLY BRIEF**

TO THE HONORABLE COURT OF APPEALS:

Appellant, the Texas Department of Transportation (TxDOT), presents this motion pursuant to Rules 10.1 (a)(5) and 38.7 of the Texas Rules of Appellate Procedure and respectfully moves the court for leave to file Appellant's Amended Reply Brief. As grounds for this motion, TxDOT would respectfully show the Court the following:

1. TxDOT's reply brief was due on May 29, 2018¹, the Tuesday following a holiday weekend.

¹ As calculated from May 7, 2018, the file stamped date on Appellee's Brief.

2. TxDOT filed its reply brief on May 23, 2018.
3. On May 24, 2018, TxDOT noticed an incomplete quote from a case located at the bottom of page 27 in its reply brief.
4. On May 24, 2018, TxDOT corrected the quote, filed an Amended Reply Brief, and notified Appellee via email that an amended reply brief was filed correcting only the quote on page 27 and the word count in the reply brief.
5. TxDOT seeks leave of court to properly make this correction and asks for leave to file its Amended Reply Brief.

For these reasons, TxDOT respectfully requests that the Court grant leave to file Appellant's Amended Reply Brief.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

BRANTLEY STARR
Deputy First Assistant Attorney General

JAMES E. DAVIS
Deputy Attorney General for Civil
Litigation

RANDALL K. HILL
Assistant Attorney General
Chief, Transportation Division

/s/ Amy K. Owens
AMY KOVAR OWENS
State Bar No. 24053309
amy.owens@oag.texas.gov
Assistant Attorney General
P. O. Box 12548
Austin, Texas 78711-2548
Telephone: (512) 463-2004
Facsimile: (512) 936-0888

ATTORNEYS FOR APPELLANT,
TEXAS DEPARTMENT OF
TRANSPORTATION

CERTIFICATE OF CONFERENCE

I certify that on May 24, 2018 and May 31, 2018, I conferred with Tyler Talbert and Joel Shields regarding the correction in TxDOT's Amended Reply Brief. On May 31, 2018, Tyler Talbert indicated that he was unopposed to this motion.

/s/ Amy K. Owens

AMY KOVAR OWENS

Assistant Attorney General

CERTIFICATE OF SERVICE

I certify that on the 31st day of May, 2018, I served a copy of this *Unopposed Motion of Texas Department of Transportation for Leave to File Appellant's Amended Reply Brief* on the following parties in accordance with the Texas Rules of Appellate Procedure:

Via Electronic Service and E-mail

Tyler Talbert

talbert@scanesrouth.com

Joel S. Shields

Scanes & Routh, LLP

7901 Fish Pond Road, Suite 200

P.O. Box 20965

shields@scanesrouth.com

Attorneys for Appellee Albert Lara, Jr

/s/ Amy K. Owens

AMY KOVAR OWENS

Assistant Attorney General